

Message Text

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22
ACTION ACDA-10

INFO OCT-01 EUR-12 EA-07 IO-13 ISO-00 AF-08 ARA-06 CIAE-00

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NSC-05 OIC-02 SP-02 PA-01 PRS-01 OES-06 SS-15 USIA-06

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R 281850Z JUL 76
FM USMISSION GENEVA
TO SECSTATE WASHDC 1549
INFO AMEMBASSY BONN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY OTTAWA
AMEMBASSY THE HAGUE
AMEMBASSY ROME
AMEMBASSY TOKYO
USMISSION USUN NEW YORK
USMISSION NATO BRUSSELS
USMISSION SALT II GENEVA
ERDA HQ WASH
ERDA GERMANTOWN
NOAA ROCKVILLE MD

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E.O. 11652: N/A
TAGS: PARM, CCD
SUBJECT: CCD - TENTH MEETING OF ENMOD WORKING GROUP

1. SUMMARY: JULY 28 CCD ENMOD WORKING GROUP MEETING
INVOLVED EXTENSIVE AND INCONSLUSIVE DISCUSSION OF
CANADIAN QUESTIONS AND REQUESTS CONCERNING ARTICLE V,
CANADIAN PROPOSAL TO ADD TO ARTICLE III A PROVISION
RELATING TO STOCKHOLM DECLARATION ON RESPONSIBILITY OF
STATES NOT TO INJURE ENVIRONMENT OF OTHER STATES OR BEYOND
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NATIONAL JURISDICTION, AND YUGOSLAV PROPOSAL FOR NEW
ARTICLE ON REVIEW CONFERENCE. SIX DELEGATIONS SUPPORTED
EGYPTIAN REQUEST TO MAKE ARABIC AN OFFICIAL LANGUAGE OF
TREATY. CONSULTATION ON ARTICLE V CONTINUE OUTSIDE

WORKING GROUP. END SUMMARY

2. TENTH MEETING OF CCD WORKING GROUP TO NEGOTIATE ENMOD CONVENTION TOOK PLACE JULY 28, WITH HUNGARY IN CHAIR.

SECRETARIAT CIRCULATED REVISED DRAFTS OF ARTICLES I THROUGH IV TOGETHER WITH ALL CURRENT PROPOSALS FOR CHANGES IN EACH OF THESE ARTICLES. EGYPT AGAIN REQUESTED THAT ARABIC BE INCLUDED AMONG OFFICIAL LANGUAGES OF ENMOD CONVENTION, CITING UNGA RESOLUTION 3190 (XXVIII), ADOPTED UNANIMOUSLY, WHICH DESIGNATES ARABIC AS OFFICIAL AND WORKING LANGUAGE OF UN. EGYPT WAS SUPPORTED BY ITALY, ARGENTINA, PAKISTAN, BRAZIL, SWEDEN, AND YUGOSLAVIA.

3. CANADIAN ACTING REP (SIMARD) PRECIPITATED DISCUSSION OF ARTICLE V DESPITE CHAIRMAN'S STATEMENT OF UNDERSTANDING AS MEETING BEGAN THAT ARTICLE WOULD BE PASSED OVER UNTIL COMPLETION OF INFORMAL CONSULTATIONS CURRENTLY UNDER WAY. SIMARD RAISED SEVERAL ISSUES WHICH HE ASKED BE TAKEN INTO ACCOUNT IN THE INFORMAL CONSULTATIONS. POINTS INVOLVED, INTER ALIA, INTERMEDIARY BODY PROCEDURES, REPRESENTATION ON SUCH A BODY, AND MEMBERSHIP OF SECURITY COUNCIL PERMANENT MEMBERS AND NON-PERMANENT MEMBERS. THEY WERE OBVIOUSLY MADE ON INSTRUCTIONS, AS SIMARD READ FROM PREPARED TEXT AND FAILED TO TAKE INTO ACCOUNT LATEST STATUS OF ARTICLE V NEGOTIATIONS. AFTER CONFUSED DISCUSSION, NETHERLANDS REP (VAN DER KLAUW) BROKE LOG JAM BY OFFERING TO DISCUSS PRIVATELY WITH SIMARD WHAT HE PERCEIVED TO BE A "MISUNDERSTANDING" AFTER ADJOURNMENT, WHICH THEN TOOK PLACE TO ALLOW FURTHER INFORMAL CONSULTATIONS ON ARTICLE.

4. YUGOSLAV REP (MIHAJLOVIC) EARLIER CIRCULATED FOLLOWING TEXT OF ARTICLE ON REVIEW CONFERENCES INTENDED TO SUBSTITUTE FOR UK DRAFT:

(1) "FIVE YEARS AFTER THE ENTRY INTO FORCE OF THIS CONVENTION, A CONFERENCE OF PARTIES TO THE CONVENTION SHALL BE HELD IN GENEVA, SWITZERLAND, IN ORDER TO REVIEW THE OPERATION OF THIS CONVENTION WITH A VIEW TO ASSURING THAT LIMITED OFFICIAL USE
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THE PURPOSES OF THE PREAMBLE AND THE PROVISIONS OF THE CONVENTION ARE BEING REALIZED. AT INTERVALS OF THREE YEARS THEREAFTER, A MAJORITY OF THE PARTIES TO THE CONVENTION MAY OBTAIN, BY SUBMITTING A PROPOSAL TO THIS EFFECT TO THE DEPOSITORY, THE CONVENING OF CONFERENCE WITH THE SAME OBJECTIVE OF REVIEWING THE OPERATION OF THE CONVENTION."

(2) "IF HOWEVER NO CONFERENCE HAS BEEN REQUESTED WHEN EIGHT YEARS HAVE ELAPSED AFTER A PREVIOUS CONFERENCE, THE DEPOSITORY SHALL CONVENE SUCH A CONFERENCE."

5. UK REP (ALLAN) IMMEDIATELY ANNOUNCED HIS SUPPORT OF

ABOVE TEXT, STATING HE WAS "ENTIRELY HAPPY" WITH IT. DUTCH FOUND TIMING PROVISIONS CONFUSING AND RESERVED THEIR POSITION; ITALY SUPPORTED DRAFT; SWEDEN THOUGH IT GENERALLY ACCEPTABLE; BURMA SUGGESTED NEW LANGUAGE FOR SECOND SENTENCE OF PARA (1): "THEREAFTER, AT INTERVALS OF NOT LESS THAN THREE YEARS, A MAJORITY OF THE PARTIES...", TO WHICH MIHAJOVIC AGREED. GDR REP (HERDER) ARGUED AT LENGTH FOR MORE FLEXIBILITY BY SPECIFYING POSSIBILITY OF A REVIEW CONFERENCE AT ANY TIME, AND DELETION OF GENEVA AS SITE. HE WAS SUPPORTED BY CANADA AND BULGARIA. US ACTING REP (BLACK) STATED THAT DEL WAS NOT COMPLETELY INSTRUCTED, BUT THAT ON PERSONAL BASIS HE THOUGHT WASHINGTON WOULD INSIST ON MINIMUM FIVE-YEAR INTERVAL BETWEEN ENTRY INTO FORCE AND FIRST REVCON. INDIA SUPPORTED YUGOSLAV APPROACH IN PRINCIPLE. YUGOSLAVIA ACCEPTED SUGGESTION TO REPLACE "REQUESTED" WITH "HELD" IN PARA (2). FRG (SCHLAICH) INDICATED FLEXIBILITY ON TIMING OF FIRST REVCON BUT THOUGH SECOND VERCON SHOULD BE HELD WITHIN EIGHT YEARS OF FIRST. BRAZIL (BIER) SUPPORTED COMPULSORY SUCCEEDING CONFERENCES AFTER EIGHT YEARS. YUGOSLAVIA INDICATED IT COULD ACCEPT FLEXIBLE TIMING OF FIRST REVCON.

6. IN RESPONSE TO QUESTION WHETHER REFERENCE TO BOTH PREAMBLE AND PROVISIONS OF CONVENTION WAS NECESSARY, NETHERLANDS SUPPORTED SPECIFIC REFERENCE TO PREAMBLE ON GROUNDS THAT REVCON SHOULD CONSIDER WHETHER CONVENTION WAS EFFECTIVELY ELIMINATING POTENTIAL DANGER OF HOSTILE USE OF ENMOD TECHNIQUES, AND ACCORDINGLY WHETHER DESIRABILITY AND POSSIBILITY OF TOTAL PROHIBITION SHOULD THEN BE LIMITED OFFICIAL USE
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EXAMINED. VAN DER KLAUW ALSO THOUGHT SITE OF FIRST REVCON, AT LEAST, SHOULD BE SPECIFIED IN ORDER TO AVOID PROCEDURAL PROBLEMS WHEN CONFERENCE CAME DUE.

7. UK SAID REFERENCE TO PREAMBLE SHOULD BE RETAINED SINCE SIMILAR FORMULATION APPEARS IN NPT AND BWC. ALLEN COULD NOT SUPPORT FLEXIBILITY THAT WOULD PERMIT HOLDING FIRST REVCON LESS THAN FIVE YEARS AFTER ENTRY INTO FORCE. HE ASKED YUGOSLAVS TO RECONSIDER THEIR ACCEPTANCE OF SUCH FLEXIBILITY, SAYING THAT HIS SUPPORT FOR YUGOSLAV DRAFT HAD BEEN ON BASIS OF FIVE YEAR INTERVAL. INDIA ALSO SUPPORTED FIXED FIVE YEAR PERIOD BEFORE FIRST REVCON. WORKING GROUP THEN DECIDED TO PUT REVCON ARTICLE ASIDE UNTIL THIRD READING.

8. CANADA, CITING RESULTS IN UN CONFERENCE ON THE HUMAN ENVIRONMENT (E.G. PRINCIPLE XXI OF STOCKHOLM DECLARATION) AND PREAMBLE TO OCEAN DUMPING CONVENTION, PROPOSED ADDITION OF FOLLOWING, EITHER AT BEGINNING OR END OF REVISED ARTICLE III: "SUBJECT TO THE RESPONSIBILITY OF STATES TO

ENSURE THAT ACTIVITES UNDER THEIR JURISDICTION OR CONTROL
DO NOT CAUSE DAMAGE TO THE ENVIROMENT OF OTHER STATES OR
OF AREAS BEYOND THE LIMITS OF NATIONAL JURISDICTION."
SEVERAL DELS FOUND PROPOSAL ILLOGICAL IN VIEW OF REVISION
OF ARTICLE III TO PROVIDE THAT CONVENTION SHALL "NOT
APPLY TO" VICE "NOT HINDER" THE PEACEFUL USE OF ENMOD
TECHNIQUES; SIMARD NEVERTHELESS MAINTAINED THAT IT WAS
VALID FOR AMENDED TEXT. MEETING TOOK NO ACTION ON
PROPOSAL.

9. IN DELOFF'S POST-MEETING DISCUSSION WITH SWEDEN (HAMILTON) AND
INDIA (MISHRA), MISHRA SAID THAT INDIAN DEL HAS NOT AGREED
TO REVISION OF ARTICLE III, AND HAS INSTRUCTIONS TO STICK
WITH ORIGINAL WORDING. HAMILTON SEEMED SURPRISED.

10. ACTION REQUESTED: FURTHER GUIDANCE RE REVCON ARTICLE.
TAKING INTO ACCOUNT YUGOSLAV PROPOSAL AND REACTIONS REPORTED
ABOVE. DEL BELIEVES WE CAN GET MINIMUM 5-YEAR INTERVAL
BEFORE FIRST CONFERENCE (USSR SUPPORTS THIS). FLEXIBILITY
IN CONVENING SUBSEQUENT REVCONS APPEARS TO ATTRACT
CONSIDERABLE SUPPORT. ABRAMS
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MOSCOW
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